



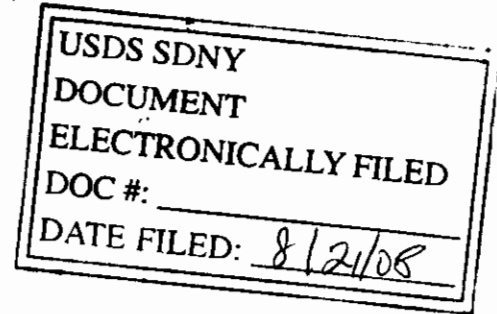
United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

August 15, 2008

BY HAND

The Honorable Richard J. Sullivan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: United States v. Barry Winsten
08 Cr. 71 (RJS)

Dear Judge Sullivan:

As I notified the Court in my letter dated July 25, 2008, I have started the internal procedures necessary to obtain authorization to nolle the Information in this case in light of the defendant's passing. I have informed Mr. Rosen that I need a copy of Mr. Winsten's death certificate or other documentation in order to obtain authorization to request the Nolle from Your Honor. I again spoke to Mr. Rosen several days ago, and he informed me that he had requested the death certificate and that he would follow up again with Mr. Winsten's family.

In light of these facts, I request that the Court adjourn the conference scheduled for August 19, 2008 and set a control date 30 days from today.

*Conference adjourned to
September 17, 2008 @ 11AM.*

Very truly yours,

MICHAEL J. GARCIA
United States Attorney

William J. Harrington

William J. Harrington
Assistant United States Attorney
(212) 637-2331

SO ORDERED

Dated: 8/21/08

[Signature]

RICHARD J. SULLIVAN
U.S.D.J.

cc: Michael Rosen, Esq.